GOVERNMENT OF TELANGANA

ABSTRACT

Tribal Welfare Department – Appeal Petition filed by Sri Geedha Kodanda Ramaiah, S/o.Muthaiah, R/o.Cherla Village & Mandal, Bhadradri Kothagudem District under Section 7(2) of the Act 16 of 1993, against the proceedings Rc.No.D3/3041/2016, dated 29.10.2024 of the Collector & District Magistrate, Bhadradri Kothagudem District - Dismissed - Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 21 Dated: 16-09-2025

Read the following:-

1. Proceedings Rc.No.D3/3041/2016, Dated 29.10.2024 of the Collector & District Magistrate, Bhadradri Kothagudem District.
2. Appeal Petition along with I.A filed by Sri Geedha Kodanda Ramaiah, S/o.Muthaiah, R/o.Cherla Village & Mandal, Bhadradri Kothagudem District, dated 18.11.2024.
3. Orders of the Hon'ble High Court in WP No.33964 of 2024, dated:11.12.2024.
4. Govt. Memo.No.2060/TW.LTR/2024-1, dated 23.05.2025.
5. Show cause Notice of Hon'ble High Court in CC No. 1193/2025, dated 13.06.2025.
6. From the Collector & District Magistrate, Bhadradri Kothagudem, letter No.D2/3041/2016, Dated 26.06.2025.
7. Representation of Punnam Ramakrishna, S/o. Pullaiah, R/o. Cherla Mandal, Bhadradri Kothagudem District, dated 10.07.2025
8. Govt. Notice No.2060/TW.LTR/2024, dated 18.07.2025 & 23.07.2025.
9. Written Arguments submitted by Counsel for the Respondents No.2, dated 26.07.2025.

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ORDER:-

In the reference 1st read above, the Collector & District Magistrate, Bhadradri Kothagudem District has cancelled the ST (Koya) caste certificate obtained fraudulently by the appellant Sri Geedha Kodanda Ramaiah, S/o Muthaiah from the Mandal Revenue Officer, Cherla bearing D.Dis.No.C/168/1988, dated 25.2.1988 and also declared that he does not belong to ST (Koya) community basing on the findings of the District Level Scrutiny Committee. The history of the case is as follows:

The Respondent No.2 viz., Punnam Ramakrishna had filed WP No.7898 of 2002 before the Hon'ble High Court of Judicature, Andhra Pradesh at Hyderabad against the respondents viz., 1) The District Collector, Khammam, 2) The Mandal Revenue Officer, Charla, Khammam District and 3) Gadha Kodandaramayya contending that he belongs to Scheduled Tribe community, that in the recent Gram Panchayat Elections, he contested to the post of Sarpanch of Cherla Gram Panchayat, that Cherla Gram Panchayat is exclusively reserved for Scheduled Tribe community, that the 3rd respondent is also one of the contestants in the said elections and he was elected as Sarpanch, that subsequently the petitioner came to know that the 3rd respondent (appellant herein) belongs to Kapu Community which comes under OC category, that he made several representations to the 2nd respondent requesting him to enquire into the matter and he also made a representation before the 1st respondent on 28.1.2002, but no action was taken by the respondents. Hence, questioning inaction of the respondents, the Writ Petition was filed praying to declare inaction of the 1st respondent in not considering the representations of the petitioner (i.e. 2nd respondent herein) and others and consequently direct the 1st respondent to consider representation of the petitioner dt.28.1.2002 and enquire into the matter.

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The Hon'ble High Court had disposed the above WP on 24.4.2002 at admission stage directing the 1st respondent i.e. District Collector, Khammam to conduct an enquiry on the representation made by the petitioner on 28.1.2002 and after giving a reasonable opportunity to the 3rd respondent (i.e. appellant herein), he shall pass appropriate orders thereon, in accordance with law, expeditiously.

In compliance to the above orders of the Hon'ble High Court, the District Collector, Khammam had conducted inquiry and dropped further proceedings in the matter on 15.10.2012 in file bearing No.D3/6073/2002 basing on the preliminary enquiry reports of two Sub-Collectors, Bhadrachalam i.e. Lr.No.E/1113/2004, dt.20.9.2004 and Lr.No.E/1113/2004, dt.17.1.2007 – gist of which is as under:

Report in Lr.No.E/1113/2004, dt.20.9.2004 of Sub-Collector, Bhadrachalam:

- Caste of Kodanda Ramaiah's parents was Koya.
- Though he was adopted by his foster father, he was closely attached to his kin and kith at Cherla and followed tribal customs and rituals.
- His mother although married to non-tribal, she never left her religious and Koya customs.
- As a boy, Kodanda Ramaiah used to live all the time with his mother only, naturally he was part of Koya tribe community as accepted by some of the witnesses.
- Even now the community regards him as Koya only, although because of his sound financial position his life style is not exactly like his poor Koya relatives.

Report in Lr.No.E/1113/2004, dt.17.01.2007 of Sub-Collector, Bhadrachalam:

- Sri Kodanda Ramaiah was born to tribal couple. He was brought up by tribal mother among tribal folk.
- All the tribal community people accepted him as their community person and he is maintaining tribal customs and culture till to date.
- Hence, Sri Geeda Kodanda Ramaiah belongs to Koya (ST) community.

One Payam Satyanarayana, State President, Girijana Samkshema Parishath, Telangana State (Respondent No.3 herein) had filed another petition dt.2.7.2016 to the Joint Collector, Khammam against Sri Geeda Kodanda Ramaiah S/o Muthaiah R/o Charla village and Mandal stating that he was elected as Sarpanch (3) times, MPTC (2) times and MPP one time in Charla Mandal under ST reservation - thus enjoying the benefits of STs under cover of ST reservation by producing a fake ST (Koya) caste certificate. The issue was taken up for inquiry by the District Level Scrutiny Committee (DLSC) headed by the Joint Collector, Khammam as Chairman of the Committee. Later, the Joint Collector, Bhadradri Kothagudem had taken up inquiry on the point of jurisdiction after reorganization of new district i.e. Bhadradri Kothagudem carved from the erstwhile Khammam District.

The DLSC had issued Notices in Form-V on 23.2.2017, 18.11.2017, 5.12.2017 to Sri Geedha Kodanda Ramaiah S/o Muthaiah to attend before the DLSC on 18.3.2017, 24.11.2017 and 12.12.2017. The Committee Members of DLSC i.e. Deputy Director (Tribal Welfare), District SC Development Officer, District BC Welfare Officer, District Minority Welfare Officer had conducted enquiry and submitted report through Lr.Rc.No.A1/DD(TW)/1003/2007, dt.01.10.2018, wherein it was reported that Sri Geedha Kodanda Ramaiah is adopted son of Geedha Muthaiah who belongs to OC Kapu caste while his biological father Sri Seela Ramulu belongs to ST Koya as stated by his relatives. But the villagers and community organizations have not accepted the surname Seelam as ST Koya in Pameru village

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of Chattisgarh State but Sri Gedha Kodanda Ramaiah has claimed ST certificate as ST Koya with father name as Geedha Muthaiah. Hence, the caste of Geeda Kodanda Ramaiah may not be considered for claiming as ST Koya on the strength of enquiry and statement of villagers, community elders and Adivasi Tribal Organizations.

Further Notices in Form-V were issued on 4.1.2019, 29.1.2019 to the Appellant herein to attend before the DLSC on 29.1.2019 and 16.2.2019. The Appellant instead of appearing before the DLSC had approached the Hon'ble High Court aggrieved on the Notice in Rc.No.D3/3041/2016, dt.23.2.2017 praying the Hon'ble Court to direct the official respondents not to interfere with the petitioner's caste certificate without due process of law. The Hon'ble High Court while disposing the WP 9425 of 2017 on 16.3.2017 had directed the appellant to appear before the DLSC on 18.3.2017 and submit his case in support of his social status and that the Joint Collector, Bhadradri Kothagudem to call for the earlier file from the 3rd respondent i.e. Joint Collector, Khammam as it contains previous inquiry reports.

Therefore, in view of the directions of the Hon'ble High Court in WP 9425 of 2017, further Notices in Form-V were issued on 18.2.2019, 2.3.2019, 31.10.2019, 21.11.2019, 3.12.2019 and 24.8.20212 to the Appellant to attend before the DLSC on 2.3.2019, 23.3.2019, 15.11.2019, 2.12.2019, 17.12.2019 and finally on 27.8.2021. The complainant and the appellant herein along with his counsel were present; counsel filed written arguments with supporting documents. The DLSC after going all through the evidentiary material had concluded as under vide its resolution in Rc.No.D3/3041/2016, dt.13.5.2022:

- Sri Geedha Kodanda Ramaiah was born to couple viz., Seelam Ramulu & Seelam Ramakka whose residence was Pameru of Chattisgarh State.
- After demise of his father Seelam Ramulu at his age of (6) months, his mother migrated to Cherla of Telangana State for livelihood.
- His mother was employed as maid servant in the house of Geedha Muthaiah who belongs to OC Kapu caste and was having no children to his 1st wife – therefore, kept Ramakka (i.e. mother of appellant herein) as 2nd wife.
- Kodanda Ramaiah and his mother Seelam Ramakka failed to furnish their caste certificates issued by Chattisgarh State as ST Koya. Further, Secretary, Gram Panchayat of Pameru village (Chattisgarh State) in his letter dt.14.8.2016 had informed that persons of surname "Seelam" are not residing in their Gram Panchayat since 60 years.
- A particular caste which is recognized as BC or SC or ST in a particular State need not necessarily be recognized as such in another State.
- Where a person migrates from one State to another State he can claim to belong to SC or ST only in relation to the State to which he originally belonged but not in respect of State to which he has migrated.
- Therefore, DLSC unanimously resolved that Sri Geedha Kodanda Ramaiah S/o Muthaiah belongs to OC (Kapu) community and recommended for cancellation of his ST (Koya) caste certificate obtained fraudulently from the Mandal Revenue Officer, Cherla bearing D.Dis.No.C/168/1988, dated 25.02.1988 (Manual Certificate).

Thus, basing on the findings of the DLSC, the Collector & District Magistrate, Bhadradri Kothagudem exercising powers conferred on him under Rule 9 (7) of AP (SC/ST&BC) Issue of Community, Nativity and Date of Birth Certificate Rules, 1997 communicated through GO Ms.No.58, Social Welfare Department, dated 12.5.1997 read with Section 5 (1) of AP (SC/ST/BC) Regulation of Issue of Community Certificates Act 16/1993, has passed orders in Procgs.Rc.No.D3/3041/2016, dt.29.10.2024 cancelling the ST (Koya) caste certificate obtained fraudulently by the appellant Sri Geedha Kodanda Ramaiah S/o Muthaiah from the Mandal Revenue Officer, Cherla bearing D.Dis.No.C/168/1988, dated 25.2.1988 and also declared that he does not belong to ST (Koya) community.

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2. Aggrieved by the above cancellation orders of the Collector & District Magistrate, Bhadradri Kothagudem vide reference 2nd read above, the Appellant Sri Geedha Kodanda Ramaiah S/o Muthaiah R/o Cherla village & Mandal, Bhadradri Kothagudem District has filed the present Appeal before the Government against the respondents viz., 1) The Collector & District Magistrate, Bhadradri Kothagudem, 2) Punnam Ramakrishna, Sarpanch, Cherla Mandal, Bhadradri Kothagudem District and 3) Payam Satyanarayana, State President, Gondwana Samkshema Parishath, Telangana State, Gumpennagudem Village, Cherla Mandal, Bhadradri Kothagudem District, under section 7 (3) of AP (SC/ST/BC) Regulation of Issue of Community Certificates Act, 1993 & Rules, 1997 (adapted to the State of Telangana), urging the following grounds:

i) the Sub-Collector, Bhadrachalam in letter dated 20.09.2004 reported that although he was adopted by his foster father but was closely attached to his kin and kith at Cherla following tribal customs and rituals. His mother although married to non-tribal, she never left her religious customs and traditions of Koya community. Since, as a boy used to live all the time with his mother, naturally he was part of Koya Tribe community as accepted by some of the witnesses and he belongs to Koya community though he is financially sound.

ii) the Sub-Collector, Bhadrachalam in another letter dt.17.1.2007 reported that he was born to tribal couple and was brought up by tribal mother among tribal folk. All the community people accepted him as their community person and he is maintaining tribal customs and culture and finally reported that the appellant has proved that he belongs to Koya (ST) community only.

iii) The Joint Collector & Chairman, DLSC of erstwhile Khammam District has conducted enquiry and finally the file No.D3/6073/2002 was closed under R.Dis. on 15.10.2012 due to enquiry reports and approval of the DLSC the appellant belongs to ST (Koya) community.

iv) The 3rd respondent (Payam Satyanarayana) again made a representation alleging that the appellant has taken a bogus caste certificate as if he belongs to ST (Koya) and was elected three times as Sarpanch, two times as MPTC and presently working as MPP in Cherla Mandal and requested to take action against the appellant.

v) The application was referred to the DLSC and the Members conducted an enquiry in the year 2018 and submitted letter stating that the appellant may not be considered for claiming as ST (Koya) and proceedings were issued in Rc.No.D3/3041/2016, dt.23.2.2017.

vi) The above proceedings were challenged by the appellant in WP No.9425 of 2017 before the Hon'ble High Court disputing issue of notice by the DLSC. The Hon'ble Court disposed the WP directing the appellant to appear before DLSC – accordingly, the appellant appeared before DLSC and filed arguments with along with documents.

vii) The DLSC observed that the appellant was born to the couple to Seelam Ramulu and Seelam Ramakka who belongs to Pameru of Chattisgarh State. After deatrh of his father at the age of six months old, his mother migrated to Cherla of Telangana where she joined as a maid servant in the house of Geedha Muthaiah who belongs to OC Kapu caste, having no issues to his first wife; he kept Ramakka as second wife. The said Ramakka did not produce her caste certificate and more so, the Gram Panchayat Pameru of Chattisgarh informed that surname of Seelam are not residing in the Gram Panchayat. The recognized BC or SC or ST caste of particular State need not be necessarily recognized in another State and they need not carry their social backwardness wherever they go and the appellant have obtained community certificate in the year 1988 fraudulently.

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viii) Basing on the above findings of the DLSC, the Dist. Collector issued impugned order of Rc.No.D3/3041/2016, dated 29.10.2024. This order is perverse as the earlier two enquiry reports of Sub-Collector, Bhadrachalam dated 20.09.2004 and also report of another Sub-Collector, Bhadrachalam dated 12.01.2007 clearly established that the appellant belongs to Koya (ST) community only, whereas the DLSC is differed with that earlier enquiry reports without any material.

ix) The order under challenge is not followed a due procedure, the contention of the DLSC that the community of one State cannot be carried in another State, ignoring that India attained the freedom with the collective fighting of all the persons of the States. Having acquiring wealth, the personal social status will not be changed, as such the report submitted by the DLSC is non-application of mind.

x) The order under challenge that the DLSC or Collector has not furnished any copy of the enquiry report to the appellant, as such it is against the procedure and liable to be set aside.

xi) The order under challenge is suffered with legal lacunae and it cannot be taken into account and there is no material to determine the appellant does not belong to Koya (ST) community.

xii) The order under appeal is suffered with that but for the mother of the appellant worked in the OC community; the birth community of her child cannot be changed from Scheduled Tribe to OC.

xiii) The District Collector failed to comply the principles of natural justice before passing the impugned order; as such the order under appeal is lagging with the legal infirmities.

xiv) The 1st respondent ought to have seen that the Hon'ble Supreme Court clearly held that if the mother belongs to Scheduled Tribe, the caste will continue with the offspring's as held by the Hon'ble Supreme Court in Rameshbhai Dabhal Nalka V/s State of Gujarat & Others dated 18.01.2012, as such the order under challenge is illegal and arbitrary and malafide.

xv) The 1st respondent ought to have seen that in the same set of facts, the Hon'ble High Court have set aside the cancellation of the caste certificate issued by the District Collector reported in the case of Nannagaram Praveen v/s State of A.P. in 2022 (1) ALD 535.

3. While the Appeal is pending before the Government, the Appellant has filed WP No.33964 of 2024 before the Hon'ble High Court against the Respondents viz., 1) Principal Secretary, Tribal Welfare, 2) Collector & District Magistrate, Bhadradri Kothagudem District, 3) Punnam Ramakrishna, Sarpanch, Cherla Mandal, Bhadradri Kothagudem District) and 4) Payam Satyanarayana, State President, Gondwana Samkshema Parishath, Telangana State, Gumpennagudem Village, Cherla Mandal, Bhadradri KothagudemDistrict - praying to declare the impugned order dated 29.10.2024 in Proceedings in Rc.No.D3/3041/2016 of the 2nd respondent (i.e. Collector & District Magistrate, Bhadradri Kothagudem) in cancelling the caste certificate of the petitioner as ST (Koya) Community, as illegal, arbitrary, malafide and unjust and consequently to set aside the same and allow the petitioner to enjoy his social status as it is. The Appellant has also filed IA No.1 of 2024 in the Writ Petition praying to suspend proceedings of the 2nd respondent pending finalization of the Writ Petition.

4. The Hon'ble High Court has disposed the above Writ Petition on 11.12.2024 in the reference 3rd read above – operative part of the order is as under:

"5. Taking into consideration the aforesaid facts and circumstances of the case and duly considering the specific averments made by the petitioner at para No.14 of the affidavit filed by the petitioner in support of the present

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writ petition referred to and extracted above, the writ petition is disposed of directing the 1st respondent to consider the appeal filed by the petitioner against the order dated 29.10.2024 of the 2nd respondent herein in cancelling caste certificate of the petitioner as ST (Koya) community, in accordance to law, in conformity with principles of natural justice by giving an opportunity of personal hearing to both the petitioner and also to the 4th respondent within a period of eight (8) weeks from the date of receipt of a copy of this order and duly communicate the decision to the petitioner and the 4th respondent. However, there shall no order as to costs."

5. The appellant has also filed Contempt Case No.1193 of 2025 before the Hon'ble High Court in the above WP 33964 of 2024, dated 11.12.2024.

6. In the reference 4th read above, Government have requested the Collector and District Magistrate, Bhadradri Kothagudem District to furnish the original case records along with para-wise remarks to Government.

7. In the reference 6th read above, the Collector and District Magistrate, Bhadradri Kothagudem District has submitted the original case record in files bearing Nos. 1) D3/6073/2002 and 2) D3/3041/2016 of the Collector's office, Bhadradri Kothagudem along with para-wise remarks to Government.

8. In the reference 7th read above, Sri Punnam Ramakrishna, the 2nd respondent herein has submitted representation dt.10.7.2025 to the Government stating that:

- As per the directions of the Hon'ble High Court in WP No.7898 of 2002 challenging ST Koya caste status of Sri Geedha Kodanda Ramaiah, the DLSC was conducted and submitted final report on 15.10.2012 stating that Kodanda Ramaiah does not belong to ST (Koya) community.
- Despite the above findings, Sri Kodanda Ramaiah continued to avail benefits and protection under ST status. Therefore, in 2016, the matter was again represented by Sri Payam Satyanarayana, State President of Gondwana Samkshema Parishath and the District Collector, Khammam referred the matter to the DLSC once again.
- Eventually, after considering all the facts, reports and repeated findings by the DLSC, the District Collector, Bhadradri Kothagudem has passed final order vide Rc.No.D3/3041/2016, dated 29.10.2024 cancelling ST (Koya) caste certificate of Sri Kodanda Ramaiah on the grounds of misrepresentation, manipulation and lack of genuine tribal identity.
- Aggrieved by the above order, Sri Kodanda Ramaiah has now filed an Appeal/representation and also Writ Petition in 2024 challenging the cancellation order.
- In view of above facts and repeated findings of fraud and misrepresentation across multiple official enquiries spanning over two decades, the pending appeal filed by Sri Kodanda Ramaiah may be rejected as it is a sensitive matter undermines integrity of the caste verification process.

9. In the reference 8th read above, Notices have been issued to all the parties to attend hearing on 22.7.2025 & 26.07.2025. Accordingly, concerned parties and their counsels have attended the hearings on 22.7.2025 and also on 26.7.2025 and submitted their oral/written arguments.

10. During hearing on 26.7.2025, the Counsel for Appellant corroborated with the appeal grounds and also submitted following arguments:

i) Copy of the Constitution (Scheduled Tribes) Order, 1950 – wherein at Sl.No.16 "Koya" is found as ST community in Chhattisgarh State.

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ii) Cancellation of certificate after 35 years is against settled law i.e. Principle of promissory estoppel - *Hon'ble Supreme Court between M/s.Motilal Padampat Sugar Mills Co.Ltd., Vs State of Uttar Pradesh and others in Civil Appeal No.1597 of 1972, decided on December 12, 1978.*

iii) In case the report is in favour of the candidate and found to be genuine and true, no further action need to be taken except where the report or the particulars given are procured or found to be false or fraudulently obtained and in the latter event the same procedure as is envisaged in para 6 be followed - *Supreme Court of India in Civil Appeal No.5160 of 2010, dt.2.9.2021 – J.Chitra (Appellant) Vs District Collector and Chairman, State Level Vigilance Committee, Tamil Nadu & Ors. (Respondents).*

iv) The Ministry of Tribal Affairs (GoI) in Lok Sabha Unstarred Question No.5496 (April 2025) clarified: *If a Scheduled Tribe is notified in both the State of origin and State of migration, the person retains ST status in the new State.*

v) If the mother belongs to Scheduled Tribe, the caste will continue with the offspring, as such the order under challenge is illegal, arbitrary and malafide – *Hon'ble Supreme Court in Rameshbhai Dabhal Nalka Vs State of Gujarat & Others decided on 18.01.2012.*

vi) In the same set of facts, the Hon'ble High Court have set aside the cancellation of the caste certificate issued by the District Collector reported in the case of *Nannagaram Praveen Vs State of A.P. in 2022 (1) ALD 535.*

11. In the reference 9th read above, the Counsel for Respondent No.2 has submitted written arguments – gist of which is as under:

i) Geedha Kodanda Ramaiah's mother i.e. Rukkamma worked as a maid in the houise of Sri Geedha Muthaiah, eventually Geedha Muthaiah and Rukkamma came into relationship and stated Live in Relationship together in the house of Geedha Muthaiah which is located in Cherla village & Mandal, erstwhile Andhra Pradesh now Telangana State. It is important to mention that Geedha Muthaiah Original wife had no objection for the Live in Relationship with the said Rukkamma for that Geedha Muthaiah also adopted Rukkamma Son i.e. Geedha Kodanda Ramaiah none other than the Appellant herein and all the family members lived together for couple of years. The said Geedha Muthaiah belongs to Kapu (OC) community with good financial and social status.

ii) Respondent No.2 i.e. Punnam Ramakrishna contested for the post of Sarpanch for Cherla Gram Panchayat of Cherla Mandal in the erstwhile Andhra Pradesh. In the same election, the appellant herein Geedha Kodanda Ramaiah S/o Geedha Muthaiah also contested for the post of Sarpanch and he succeeded in the said Election. It is important to mention that the Sarpanch post for Cherla Gram Panchayat is exclusively reserved for Scheduled Tribe.

iii) After 2001 Election, Respondent No.2 came to know that the appellant is son of Geedha Muthaiah and said Geedha Muthaiah belongs to Kapu (OC) community. The Respondent No.2 was utter shocked that Geedha Muthaiah son contested for the post of Sarpanch which was exclusively reserved for ST category and he contested it on false ST community certificate for the post of Sarpanch as ST candidate.

iv) Respondent No.2 herein immediately filed complaint before the Khammam District Collector on 20.1.2002 and also gave several representations to conduct enquiry on Geedha Kodanda Ramaiah's caste but no action was initiated by the officials. Therefore, he

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approached the Hon'ble High Court vide WP No.7898 of 2002 and the Hon'ble High Court directed the Khammam District Collector to conduct an enquiry as expeditiously as possible.

v) Then the Sub Collector, Bhadrachalam conducted enquiry, recorded statement of five villagers including Geedha Kodanda Ramaiah and submitted report vide Rc.No.E/1113/2004, dt.20.9.2004 observing that he belongs to Koya caste.

vi) The said Geedha Kodanda Ramaiah managed witnesses and prepared them to give statement in his favour. It is to be noted that he himself stated that he was born in Chhattisgarh State and later migrated to Cherla village in erstwhile Andhra Pradesh now in Telangana. But, witnesses in their statements stated that he was born in Madhya Pradesh and migrated to Cherla village – thus it appears that Geedha Kodanda Ramaiah has influenced witnesses and prepared them to record statement in his favour.

vii) The Appellant obtained false ST caste certificate from the then MRO Cherla vide D.Dis.No.C/168/88, dt.25.02.1988 by producing false information and fabricated documents. He also produced fake school certificate i.e. record sheet in which his admission is recorded as 1094 and date of admission as 24.6.1958. On perusal of document (school student list with admission numbers) received by Respondent No.2 under Right to Information Act, 2005, the said admission number is allotted to some other candidate. However, the appellant managed to get fake & false record sheet on his name.

viii) In the admission register, his name was recorded at Admission No.637 and also recorded his father name as Geedha Kodanda Ramaiah and caste as Kapu which comes under OC category. As he was politically influential & financially sound, managed and mentioned his caste as KOYA i.e. ST category which is clearly evident that the appellant forged the said records.

ix) On making several representations by respondent No.2, in the year 2017, the Joint Collector, Bhadradri District at Kothagudem issued fresh Notice Rc.No.D3/3041/2016, dt.23.02.2017 to the appellant directing him to appear on 18.3.2017 before the District Level Scrutiny Committee with all material records to prove that he belongs to ST Koya community.

x) Challenging the said Notice, the appellant herein approached the Hon'ble High Court by WP No.9425 of 2017 and the Hon'ble High Court disposed the WP giving liberty to him to appear before the DLSC and submit his case in support of the social status.

xi) The DLSC after perusal of all documents submitted by parties, found the Caste Certificate obtained by appellant bearing D.Dis.No.C/168/88, dt.25.02.1988 is false and accordingly cancelled vide Procs.Rc.No.D3/3041/2016, dt.29.10.2024.

xii) The Appellant has preferred an Appeal before the Hon'ble Principal Secretary against the said order dt.29.10.2024 which is devoid of merits and deserved to be dismissed. The order passed by the DLSC dt.29.10.2024 is valid in the eye of law.

xiii) Appellant's father Geedha Muthaiah belongs to KAPU community i.e. O.C. but follows his father surname & legacy but still claims his mother caste. It is held by the Hon'ble Supreme Court of India in ANJAN KUMAR VS UNION OF INDIA & OTHERS AIR 2006 SC 1177 that:

"*The condition precedent for granting tribe certificate being that one must suffer disabilities wherefrom one belongs. The offshoots of the wedlock of a tribal woman married to a non-tribal husband-forward class (kayastha in the present case) cannot claim Scheduled Tribe*

(Contd….9)

status. The reason being such offshoot was brought up in the atmosphere of Forward Class and he is not subjected to any disability. A person not belonging to the Scheduled Caste or Scheduled Tribe claiming himself to be a member of such caste by procuring a bogus caste certificate is a fraud under the Constitution of India. The impact of procuring fake/bogus caste certificate and obtaining appointment/admission from the reserved quota will have far-reaching grave consequences. The meritorious reserved candidate may be deprived of reserved category for whom the post is reserved. The reserved post will go into the hand of non-deserving candidate and in such cases it would be violative of the mandate of Article 14 and 21 of the Constitution of India. The Scheduled Caste and Scheduled Tribe certificate is not a bounty to be distributed. To sustain the claim, one must show that he/she suffered disabilities socially, economically and educationally cumulatively. The concerned authority before whom such claim is made, duty bound to satisfy educationally before such certificate is issued. Any concerned authority issuing such certificate in a routine manner would be committing the dereliction of constitutional duty."

xiv) The Hon'ble Supreme Court in the case of PUNIT RAI VS DINESH CHAUDHARY MANU/SC/0608/2003: (2003) 8 SCC 204 observed as under:

"*A person in fact not belonging to the scheduled caste, if claims himself to be a member thereof by procuring a bogus caste certificate, would be committing fraud on the Constitution. No court of law can encourage commission of such fraud."*

xv) The Hon'ble Supreme Court in the case of MURALIDHAR DAYANDEO KESEKAR VS VISHWANATH PANDU BARDE MANU/SC/1046/1995 AND in R.CHANDEVARAPPA VS STATE OF KARNATAKA MANU/SC/0805/1995 held that:

"*Economic empowerment is a fundamental right to the poor and the State is enjoined under Articles 15(3), 46 and 39 to provide them opportunities. Thus, education, employment and economic empowerment are some of the programmes the State has evolved and also provided reservation in admission into educational institutions, or in case of other economic benefits under Article 15(4) and 46, or in appointment to an office or a post under the State under Article 16(4). Therefore, when a member is transplanted into Dalits, tribes and OBCs, he/she must of necessity also have had undergone the same handicaps, and must have been subjected to the same disabilities, disadvantages, indignities or sufferings so as to entitle the candidate to avail the facility of reservation. A candidate who had march of advantageous of life but is being born in Forward Caste by adoption or marriage or conversion, does not become eligible to the benefit of reservation either under Article 15(4) or 16(4), as the case may be. Acquisition of the status of scheduled caste etc. by voluntary mobility into these categories would play fraud on the Constitution, and would frustrate the benign constitutional policy under Article 15(4) and 16(4) of the Constitution."*

xvi) The Hon'ble High Court of Punjab and Haryana in the case of ROSHAN LAL VS STATE OF HARYANA & others MANU/PH/2995/2001 held that:

"*One proposition that stands authoritatively laid down is that a scheduled caste migrant does not obtain such status in the State to which he has migrated by the only fact that the very same nomenclature of caste is also notified as Scheduled Caste in the place of birth."*

(Contd…10)

xvii) In the present case, the Appellant himself stated that he was migrated from Chhattisgarh State to Cherla village of erstwhile Andhra Pradesh (now in Telangana), then the appellant has to obtain a Caste Certificate from the place of birth not from the migrated place as held by the Hon'ble Courts time to time.

xviii) Also the appellant's surname is Geedha and socially & financially also well sound – therefore, he cannot claim his mother caste as held by the Hon'ble Supreme Court of India.

The counsel for Respondent No.2 submitted copies of school admission register.

12. The appellant Sri Geedha Kodanda Ramaiah was questioned about ST Koya caste cultural traits by the Field Investigator of Tribal Cultural Research & Training Institute, Hyderabad but he failed to give proper replies. The findings of the Field Investigator are as follows:

i) Geeda Kodanda Ramaiah stated that his surname is Seelam and belongs to Mudava Gattu (kaketi Pujari) clan of ST Koya community. His children also obtained ST (Koya) community certificates and his son married to woman with surname Boggula which also comes under Mudava Gattu. He doesn't know Koya dialect though he was brought up in Cherla Mandal from his childhood where he was elected as Sarpanch for three times, MPTC for two times and presently as MPP of Charla Mandal.

ii) The surname Seelam stated by him is not in ST Koya community nor it falls under Mudav Gattu of ST Koya community. He stated that he married Kapu woman.

iii) The surname Boggula is also not in ST Koya community nor it falls under Mudava Gattu of ST Koya community. Further, marrying woman in Mudava Gattu with boy of Mudava Gattu under ST Koya community is not allowed.

iv) The surname Geeda is also not in ST Koya community and it is in Kapu community.

The Field Investigator opined that the case of the appellant does not fall for consideration under ST Koya community.

13. Now the points that arise for adjudication are:

i) Whether the reports of Sub-Collectors, Bhadrachalam, dt.20.9.2004 and 17.1.2007 can be treated as final to conclude previous DLSC enquiry basing on which the appellant has been claiming as belongs to ST Koya community.

ii) Whether the ST Koya community claimed by the appellant in Chhattisgarh State also treated as ST Koya in Telangana State. If so, whether benefits of ST reservations are allowed to the ST migrants of other States in Telangana State.

iii) Whether Seelam surname claimed by the appellant is in Koya ST community in Chattisgarh and Telangana States.

iv) Whether the customs and traditions of Koya ST are being followed by the appellant.

v) Whether legal citations made by the counsel for appellant are applicable to the case of appellant.

vi) Whether evidences & legal citations filed by the respondent No.2 deserve consideration.

(Contd….11)

Explanations for:

i) The Act No.16 of 1993 was enacted to regulate issue of Community Certificates to persons belonging to Scheduled Castes, Scheduled Tribes and Backward Classes and matters connected there-with or incidental thereto. Accordingly, Rules for the said Act were also framed vide GO Ms.No.58, Social Welfare (J) Department, dated 12.5.1997 (adapted to the State of Telangana).

According Rule 8, every District shall be constituted with District Level Scrutiny Committee comprising of Joint Collector as Chairman, District Revenue Officer, Deputy Director (Social Welfare), Deputy Director (TW)/District Tribal Welfare Officer, Deputy Director (BC Welfare)/ District BC Welfare Officer, Officer of the Research Organisation in the Commissionerate of Social Welfare/Tribal Welfare nominated by the concerned Heads of Departments and Officer representing in PCT/Vigilance Cell in the District – as Members. The Scrutiny Committee shall meet atleast once in a month or as often, depending on the cases referred to it and presence of 3 members form required quorum for meetings of the committee. The committee shall conduct enquiry regarding doubtful claims by giving notice in Form V to appear before them with relevant documentary evidences.

The Scrutiny Committee shall examine the school records, birth registration certificates, if any, furnished by the persons during the enquiry. It may also examine any other person who may have knowledge of the community of the applicant. With reference to the claims of Scheduled Tribes, it may examine the anthropological and ethnological traits, deities, rituals, customs, mode of marriage, death ceremonies/method of burial of dead bodies etc., of that particular tribe, to finalise its recommendations to the competent authority.

The Scrutiny Committee shall examine the report of enquiry conducted by the Revenue Department furnished to it by the Competent Authority. It may also obtain expert opinion from the Commissionerate of Social Welfare/Tribal Welfare through the Officers of the Research Organisations of these Commissionerates who are the members of the Scrutiny Committee, if deemed necessary. These enquiry reports may be compared and then recommendations of the Scrutiny Committee may be finalized as to whether the community claim of that applicant is found to be false or genuine.

The Chairman of the Scrutiny Committee i.e. Joint Collector of the District, shall send the recommendations of the Committee to the Competent Authority stating clearly whether the community claim of the person in question or his or her children, is genuine or false with reasons thereof, within 45 days from the date of receipt of the case referred to it by the Competent Authority.

From the reports of the Sub-Collector, Bhadrachalam dt.20.9.2004 and 17.1.2007 and disposal of the record in file bearing No.D3/6073/2002, it is found that the school records were not examined, anthropological/ethnological study was not conducted by the Officer of Tribal Cultural Research and Training Institute who is also Member of the Scrutiny Committee, no other findings/remarks of other Members of the Committee were made and straight-away the file was closed on 15.10.2012 dropping further proceedings merely basing on the reports of Sub-Collector, Bhadrachalam dt.20.9.2004 and 17.1.2007 without even sending such recommendations to the Competent Authority i.e. District Collector, Khammam as required under the Act 8 (e) of the Rules, 1997. Thus, the first inquiry conducted by the DLSC in 2003 was not complete

(Contd….12)

without following due procedure. Hence, the reports of Sub-Collector, Bhadrachalam cannot form basis and relied upon for treating caste of the appellant as ST Koya, and liable to be set aside.

ii) In the reference No.BC 16014/1/82-SC & BCD-I, dated 6.8.1984 of Ministry of Home Affairs, Government of India, New Delhi addressed to all the Chief Secretaries of all State Governments and Union Territory Administrations, it was clarified as follows:

> *"2. The instructions issued in this Ministry's letter of even number dated the 18-11-1982 will continue. It is, however, clarified that the Scheduled Caste/Scheduled Tribe person on migration from the State of his original to another State will not lose his status as Scheduled Caste/Scheduled Tribes but he will be entitled to the concessions benefits admissible to the Scheduled Castes/Scheduled Tribes from the State of his origin and not from the State where he has migrated. All competent authorities may be advised under intimation to this Ministry to issue the Scheduled Caste/Scheduled Tribe certificates on the revised form of certificate hence forth after satisfying themselves of correctness of the certificate after proper verification based on the revenue records / through reliable enquiries. The list of the competent authorities empowered and incorporated in the form may please be followed strictly. No other authority may be authorized to issue the Scheduled Caste/Scheduled Tribe certificates."*

In the instant case, there is no evidence that the appellant Sri Geedha Kodanda Ramaiah belongs to ST Koya community of Chattisgarh State, nor produced any ST Koya caste certificate issued by the said State but obtained ST Koya caste certificate fraudulently from the Mandal Revenue Officer, Cherla of erstwhile Khammam District in the erstwhile Andhra Pradesh State (now in Bhadradri Kothagudem District of Telangana State) bearing D.Dis.No.C/168/1988, dated 25.02.1998. Therefore, in view of the above legal position, the ST Koya caste certificate obtained by the appellant is not valid nor he is eligible to avail any benefits intended for the Scheduled Tribes of Telangana State being migrant.

iii) The surname "Seelam" claimed by the appellant is not found in Koya community either in Telangana State or in Chhattisgarh State as reported by the Panchayat Secretary, Pameru of Chhattisgarh State. Evidently, the appellant fraudulently obtained ST Koya caste certificate in the surname of Geedha which falls in OC Kapu community. During enquiry by the Field Investigator of TCR&TI on 26.7.2025, the appellant failed to give proper replies on the ST Koya traditions and also about his surname as Seelam. The appellant failed to prove that he belongs to ST Koya and that his surname is Seelam under ST Koya, at any point of time during enquiries.

iv) Except in the reports of Sub-Collector, Bhadrachalam dt.20.9.2004 and 17.1.2007, it was stated that the appellant was brought up among ST folk following their customs and traditions, but during enquiry on 26.7.2025 he has failed to state give proper answers to the questions put to him on Koya culture, tradition, customs, clans of the ST Koya community, also did not either speak or reply in Koya language which the Koyas still speak in Cherla Mandal. Therefore, it is proved beyond any shadow of doubt that the appellant has not been following Koya ST customs & traditions.

(Contd…13)

v) a) Supreme Court of India – Civil Appeal No. 654 of 2012, decided on 18.1.2012 - Rameshbhai Dabhal Nalka Vs State of Gujarat & Others.

The above citation referred by the counsel for appellant is not applicable to the present case as it relates to determination of caste of offspring born to a non-tribal father and tribal mother. The appellant admitted that he was born to tribal parents, migrated from Pameru village of Chhattisgarh State to Telangana after demise of his father at his 6 months of age, later brought up under ST koya traditions and customs of his mother but there is no evidence. There is also no evidence of his suffering with disabilities socially, economically and educationally and on the other hand he has been enjoying ST reservation with a fake ST Koya caste certificate in the surname of Geedha which is in OC Kapu community and also name of father Muthaiah who also belongs to OC Kapu community, and got elected to the post of Sarpanch (3) times, MPTC (2) times and presently Mandal President of Mandal Parishad, Cherla which are exclusively reserved for Scheduled Tribes.

b) Nannagaram Praveen and State of Andhra Pradesh in WP No.38026 of 2015, dated 15.12.2021 before Hon'ble High Court of Andhra Pradesh at Amaravati:

The appellant has been given sufficient time since 2002 till the date of cancellation i.e. October, 2024 to prove his case. The District Collector, Bhadradri Kothagudem duly following the procedure prescribed under the Act 16/1993 and the Rules, 1997 framed there-under got conducted detailed inquiry through the District Level Scrutiny Committee and passed righteous orders cancelling the ST Koya caste community obtained fraudulently by the appellant from the Mandal Revenue Officer, Cherla in the year 1988 with an ill-motive to grab the reservations benefits intended for the Scheduled Tribes. Therefore, the above citation is not applicable to the case of appellant.

c) Supreme Court of India - Civil Appeal No.1597 of 1972 decided on 12.12.1978 – M/s.Motilal Padampat Sugar Mills Co. Ltd., Vs State of Uttar Pradesh & others:

Applying the doctrine of promissory estoppel or equitable estoppel at paras 5, 6 and 33 under the above settled legal position, the counsel for appellant argued that the cancellation of caste certificate after 35 years of its issuance, is unjust.

The above case relates to waival of concessional rates of sales tax and the ratio of law cannot be made applicable to the case of appellant in this case since the appellant has obtained ST caste certificate fraudulently and enjoying benefits reserved to the Scheduled Tribes without any way of right. In such circumstances, the appellant cannot claim protection under the above settled law.

d) Supreme Court of India – Civil Appeal No.5160 of 2010 decided on 2.9.2021 – J.Chitra Vs Dist.Collector & Chairman, State Level Vigilance Committee, Tamil Nadu & Ors.

The counsel for appellant argued that in the previous enquiry, the authorities confirmed his caste as ST Koya and hence the said decision cannot be challenged in any forum.

(Contd…14)

In the above judgement of the Hon'ble Supreme Court, it was held that the purpose of verification of caste certificates by Scrutiny Committee is to avoid false and bogus claims. Reopening of inquiry into caste certificates can be only in case they are vitiated by fraud or when they were issued without proper inquiry. Therefore, in the instant case, since the appellant had obtained ST Koya caste certificate fraudulently – another inquiry was taken up following due procedure prescribed under the law enacted in Act No.16 of 1993 and the Rules framed there-under in the year 1997 – wherein it was proved that the appellant does not belong ST Koya caste.

Hence, the above citation is not applicable in the case of the appellant.

d) Government Policy & Parliamentary Discussion – The Ministry of Tribal Affairs (GoI) in Lok Sabha Unstarred Question No.5496 (April 2025) clarified: *If a Scheduled Tribe is notified in both the State of origin and State of migration, the person retains ST status in the new State.*

This argument is not disputed. As per Government of India guidelines in reference No.BC 16014/1/82-SC & BCD-I, dated 6.8.1984 of Ministry of Home Affairs, it was clarified that the SC/ST person on migration from the State of his origin to another State will not lose his status as SC/ST but he will be entitled to the concessions benefits admissible to the SCs/STs from the State of his origin and not from the State where he has migrated. In the instant case, the appellant failed to prove that he belongs to ST Koya community either in Chhattisgarh or in Telangana State, but obtained ST Koya caste certificate fraudulently in Telangana State and enjoying benefits intended to the Scheduled Tribes under ST reservation.

vi) a) Supreme Court of India – Civil Appeal No.659 of 2003 decided on 19.8.2003 – Punit Rai Vs Dinesh Chaudhary:

This case relates to election of respondent on the ground that he was entitled to contest from a reserve constituency as a scheduled caste candidate – The respondent had to prove that he was a scheduled caste candidate as it was wholly within the special knowledge of the respondent – Respondent was supposed to prove the facts within his special knowledge by adducing best evidence that is his parents which he failed to do – Respondent's failure could call his parents as witnesses clearly make out a case for drawing an adverse inference that in case they had been produced, they would not have supported the case of the respondent – Respondent was under a duty to prove his case – Nomination paper of respondent improperly accepted by returning officer – Appeal allowed.

The Hon'ble Supreme Court has cited various legal positions in the above judgement and at para 40 held that "A person in fact not belonging to Scheduled Caste, if claims himself to be a member thereof by procuring a bogus caste certificate, would be committing fraud on Constitution. No court of law can encourage commission of such fraud.

In the present case, the appellant claimed ST Koya caste certificate obtained fraudulently from the Mandal Revenue Officer, Cherla and enjoying benefits intended for the original

(Contd…15)

Scheduled Tribes which amounts to committing fraud on the Constitution of India as held by the Hon'ble Supreme Court in the above citation.

b) <u>High Court of Punjab and Haryana – Civil Writ Petition No.16829 of 2011, decided on 14.09.2011 – Roshan Lal Vs State of Haryana and Ors.</u>

The Hon'ble High Court held in the above case that a Scheduled Caste migrant does not obtain such status in the State to which he has migrated by the only fact that the very same nomenclature of caste is also notified as Scheduled Caste in the place of his birth. In this case, the admitted point is that the petitioner had migrated from Bihar to Haryana when he was 15 years of age. He has also admitted that his parents did not have any Scheduled Caste Certificate. In such a context the order passed by the 4th respondent annulling a certificate issued already by an officer in Haryana was perfectly justified. The proper remedy for the petitioner would be to only apply and secure a Scheduled Caste certificate from the place of his birth.

The case of the appellant amply fits to findings of the above judgement, as he is stated to have migrated from Pameru village of Chhattisgarh State to erstwhile Andhra Pradesh State (now in Telangana) at his 6 months of age, not obtained any ST Koya certificate from Chhattisgarh. The Panchayat Secretary of the said Pameru village also reported that there is no Seelam surname in ST Koya community living in the said village since 60 years.

c) <u>Supreme Court of India – Civil Appeal No.6445 of 2000 decided on 14.02.2006 – Anjan Kumar Vs Union of India (UOI) and Ors.</u>

The Hon'ble Supreme Court dismissed the Appeal filed by the Appellant Anjan Kumar with costs setting aside the tribal certificate procured by misrepresentation of facts.

The Hon'ble Apex Court held that a person not belonging to the Scheduled Caste or Scheduled Tribe claiming himself to be a member of such caste by procuring a bogus caste certificate is a fraud under the Constitution of India. The impact of procuring fake/bogus caste certificate and obtaining appointment/admission from the reserved quota will have far-reaching grave consequences. The meritorious reserved candidate may be deprived of reserved category for whom the post is reserved. The reserved post will go into the hand of non-deserving candidate and in such cases it would be violative of the mandate of Articles 14 and 21 of the Constitution of India.

e) Extract of Admission Register obtained from the Head Master, MPPS (Boys), Charla village & Mandal, Khammam Dist. shows that at Sl.No.637 the name of appellant was entered as Kodanda Ramaiah; surname was written Thota and tampered recording as "Geedha", date of birth tampered as 1.7.53 from the originally entered 1.7.1955. The caste name originally written as "Kapu" was also tampered as "Koya", whereas in the school record sheet, admission number was shown as 1094, date of birth as 13.7.1953.

From the above details, it is evident that with a view to obtain ST Koya caste certificate fraudulently, the entries in the school admission register were tampered thereby posing to

(Contd….16)

accept argument of the counsel for respondent No.2 that the appellant being politically influential & financially sound, managed and mentioned his caste as ST Koya and also got depositions recorded in his favour by the authorities previously.

14. Upon perusal of the all the evidences available on the record including the reports submitted previously by the two Sub-Collectors, Bhadrachalam dt. 20.9.2004 and 17.1.2017; cancellation orders now passed by the Collector & District Magistrate, Bhadrachalam; grounds appealed by the Appellant & citations made therein; written submission of respondent No.2 etc. and arrived at the following findings:

i) The Appellant Sri Geedha Kodanda Ramaih is stated to have born to Seelam Ramulu & Seelam Ramakka belongs to ST Koya community whose residence was in Pameru village of Chattisgarh State, but no evidence to the said effect is produced at any point of time during enquiries and also now before the Government.

ii) However, assuming that after expiry of Sri Seelam Ramulu i.e. father of Kodanda Ramaiah at his 6 months age, his mother Seelam Ramakka migrated to Cherla village and Mandal of Telangana State and employed as a maid servant in the house of Geedha Muthaiah who belongs to OC Kapu caste. Geedha Muthaiah was not having children to his 1st wife and kept Ramakka as his 2nd wife.

iii) At the time of admission into school at Cherla, Geedha Muthaiah entered appellant's name as Geedha Kodanda Ramaiah S/o Muthaiah but in the school admission register, the original entries i.e. surname, date of birth, caste etc. were tampered as Geedha (from Thota), 1.7.1955 (from 1.7.1953), Koya (from Kapu). The surnames both Geedha and Thota are found in OC Kapu community.

iv) Secretary, Gram Panchayat, Pameru village of Chattisgarh through his letter dt.14.8.2016 had informed that persons of Seelam surname not residing in their Gram Panchayat since 60 years.

v) Geedha Kodanda Ramaiah and his mother Seelam Ramakka failed to furnish their caste certificates issued by Chattisgarh State as ST Koya, nor any evidence that Seelam surname belongs to ST Koya community either in Chhattisgarh or Telangana State while the evidence on record speak his surname as Geedha/Thota which belongs to OC Kapu community as per school admission register.

vi) Even if it is assumed that the appellant belongs to ST community of Chattisgarh and migrated to Telangana State, as per Government of India, Ministry of Home Affairs reference No.16014/1/82-SC & BCD-I, dated 6.8.1984, it is reiterated that the Scheduled Caste/Scheduled Tribe person on migration from the State of his origin to another State will not lose his status as Scheduled Caste/Scheduled Tribes but he will be entitled to the concessions/benefits admissible to the Scheduled Castes/ Scheduled Tribes from the State of his origin and not from the State where he has migrated.

vii) The judgements cited by the appellant have no relevance to the facts of the present Appeal and the Appellant has been given sufficient time i.e. since 2002. As per Section 6 of the Act 16 of 1993 and the Rules made thereunder, the burden of proof lies with the appellant to prove his claim with required documentary evidences. Even after availing sufficient time before the DLSC, Dist. Collector and now before the appellate authority, the appellant failed to prove his case.

ix) The Hon'ble High Court of Judicature, Andhra Pradesh at Hyderabad in WP No.4268 of 1993 between Chilwar Sarojini Devi (Petitioner) and Government of AP represented by Director of Tribal Welfare, AP, Hyderbad and two others held in its judgement dt.17.10.2003 that

(Contd….17)

"*the case of the petitioner cannot be considered as Scheduled Tribe in the State of Andhra Pradesh and such she cannot be allowed to enjoy the benefits and privileges conferred on the Scheduled Tribe candidates in the State as the person belonging to the former State would be entitled to the rights; privileges and benefits admissible to a member of Scheduled Tribe or latter State for the purpose of the Constitution"*.

x) In another case, the Hon'ble High Court of Judicature, Andhra Pradesh at Hyderabad in EP No.11 of 2009 between Ajmeera Hari Naik (Petitioner) and Suman Rathod and nine others (Respondents) in its judgement dt.22.11.2010 held as follows:

"A statute must be construed according to it plain language and neither should anything be added nor subtracted unless there are adequate grounds to justify. Clause (2) of the Constitution (S.T) Order, 1950 indicates that it will apply to those members of the tribal or tribal communities who are resident in the locality of State of Andhra Pradesh immediately preceding the said order come into force.

In my considered opinion that Amended Act would not apply to those Banjara community people who are migrated after 1950 and are ordinarily residing in the State of Andhra Pradesh for a considerable length of period or preceding the Act 10 of 2003.

So in the considered opinion of this Court, the Amended Act 10 of 2003 is only applicable to those Banjaras whose ancestors or their offspring are residents of the locality in any part of the State of Andhra Pradesh as on the date of the Constitution (ST) Order, 1950 came into force. Such is the case, the parents of the 1st respondent are admittedly not residents in the locality in any part of State of Andhra Pradesh, when Constitution (ST) Order, 1950 came into force the Amended Act 10 of 2003 has no application to the case of 1st respondent. Consequently, she is not qualified to contest 006 Khanapur (S.T.) Assembly Constituency in the State of Andhra Pradesh. The election of the 1st respondent has to be declared as void as she is not qualified to contest the elections in the year 2009 from the said constituency."

15. After careful examination of the matter, and in view of the above findings and placing reliance on the judgements of the Hon'ble Supreme Court and the Hon'ble High Courts having relevance to the present case as explained above, Government has not found any valid reasons/grounds to interfere with the orders passed by the Collector & District Magistrate, Bhadradri Kothagudem in Procgs.Rc. No. D3/3041/2016, dated 29.10.2024 and accordingly they are upheld duly DISMISSING the Appeal Petition filed by Sri Geedha Kodanda Ramaiah, S/o.Muthaiah, R/o.Cherla Village & Mandal, Bhadradri Kothagudem District. The previous reports of Sub-Collector, Bhadrachalam in reference Nos.1) E/1113/2004, dt.20.9.2004 and 2) E/1113/2004, dt.17.1.2007 are also set-aside.

16. The Collector & District Magistrate, Bhadradri Kothagudem District shall take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

SABYASACHI GHOSH
SPECIAL CHIEF SECRETARY TO GOVERNMENT (FAC).

To
The Collector and District Magistrate,
Bhadradri Kothagudem District (By RPAD)

(Contd….18)

Sri Geedha Kodanda Ramaiah, S/o.Muthaiah, R/o.Cherla Village & Mandal,
Bhadradri Kothagudem District. ((By RPAD)
(though the Tahsildar, Cherla Mandal, with a direction to serve the order and returned the served copy duly attested immediately)

Copy to:-

Sri Punnam Ramakrishna, Sarpanch, Cherla Mandal,
Bhadradri Kothagudem District.
(though the Tahsildar, Cherla Mandal, with a direction to serve the order and returned the served copy duly attested immediately)

Sri Payam Satyanarayana, State President Gondwana Samkshema Parishath,
R/o. Gumpennagudem Village, Cherla Mandal,
Bhadradri Kothagudem District
(though the Tahsildar, Cherla Mandal, with a direction to serve the order and returned the served copy duly attested immediately)

M/s.Jalli Narender and Edla Ravi Kumar, Advocate
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Hyderabad, Telangana-500034.
(Counsel for Respondent No.3)

The Tahsildar, Cherla Mandal, Bhadradri Kothagudem District.
The Director, TCR&TI, Hyderabad.
P.S. to Minister for SCD, ST, MW, EPWD, SC & TGP
PA to Special Chief Secretary to Government (TW)
SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER.